

**CHAPTER 55****CLAIMS FOR MATERIALS FURNISHED ON PUBLIC IMPROVEMENTS***S.F. 360*

**AN ACT** relating to defining who is entitled to claims for materials furnished on public improvements.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 573.7, Code 1983, is amended by adding the following new unnumbered paragraph:

**NEW UNNUMBERED PARAGRAPH.** A person furnishing only materials to a subcontractor who is furnishing only materials is not entitled to a claim against the retainage or bond under this chapter and is not an obligee or person protected under the bond pursuant to section 573.6.

Approved May 5, 1983

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**CHAPTER 56****SUPERVISION OF AND RESTITUTION BY OFFENDERS***S.F. 359*

**AN ACT** relating to the office or individual charged with supervision of an offender and the preparation of a restitution plan of payment as a condition of probation, work release, or parole.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 910.4, unnumbered paragraph 3, Code 1983, is amended to read as follows:

When the offender is committed by the court to be supervised by a judicial district department of correctional services, is committed to a county jail, or to an alternate facility, the judicial district department of correctional services office or individual charged with supervision of the offender shall prepare a restitution plan of payment taking into consideration the offender's income, physical and mental health, age, education, employment and family circumstances. The judicial district department of correctional services office or individual charged with supervision of the offender shall review the plan of restitution ordered by the court, and shall submit a restitution plan of payment to the sentencing court. When community service is ordered by the court as restitution, the restitution plan of payment shall set out a

plan to meet the requirement for the community service. The court may approve or modify the plan of restitution and restitution plan of payment. When there is a significant change in the offender's income or circumstances, the judicial district department of correctional services office or individual which has supervision of the plan of payment shall submit a modified restitution plan of payment to the court. When there is a transfer of supervision from one agent, agency, or judicial district department of correctional services office or individual charged with supervision of the offender to another, the sending agent, agency or judicial district department office or individual shall forward to the receiving agent, agency, or judicial district department, office or individual all necessary information regarding the balance owed against the original amount of restitution ordered and the balance of public service required. When the offender's circumstances and income have significantly changed, the receiving agent, agency, or judicial district department office or individual shall submit a new plan of payment to the sentencing court for approval or modification based on the considerations enumerated in this section.

Sec. 2. Section 910.5, subsection 3, Code 1983, is amended to read as follows:

3. If an offender is to be placed on work release from a facility under control of a county sheriff, restitution shall be a condition of work release. The judicial district department of correctional services office or individual charged with supervision of the offender shall prepare a restitution plan of payment or may modify any previously existing restitution plan of payment. The new or modified plan of payment shall reflect the offender's present circumstances concerning the offender's income, physical and mental health, education, employment and family circumstances. Failure of the offender to comply with the restitution plan of payment including the community service requirement, if any, ~~shall constitute~~ constitutes a violation of a condition of work release. The judicial district department of correctional services office or individual charged with supervision of the offender may modify the plan of restitution at any time to reflect the offender's present circumstances.

Sec. 3. Section 910.6, Code 1983, is amended to read as follows:

910.6 PAYMENT PLAN—COPY TO VICTIMS. ~~Each agent, agency, or judicial district department of correctional services~~ An office or individual preparing a restitution plan of payment or modified restitution plan of payment ~~shall forward~~, when it is approved by the court if approval is required under section 910.4, or when the plan is completed if court approval under section 910.4 is not required, shall forward a copy to the clerk of court in the county in which the offender was sentenced. The clerk of court shall forward a copy of the plan of payment or modified plan of payment to the victim or victims.

Sec. 4. Section 910.7, Code 1983, is amended to read as follows:

910.7 PETITION FOR HEARING. At any time during the period of probation, parole or incarceration, the offender or the agent, agency or judicial district department of correctional services office or individual who prepared the offender's restitution plan, may petition the court and the court shall grant a hearing on any matter related to the plan of restitution or restitution plan of payment. The court at any time prior to the expiration of the offender's sentence, may modify the plan of restitution or the restitution plan of payment, or both, and may extend the period of time for the completion of restitution.

Sec. 5. Section 910.9, unnumbered paragraph 3, Code 1983, is amended to read as follows:

Court costs, court-appointed attorney's fees, and expenses for public defenders, shall not be withheld by the clerk of court until all victims have been paid in full. Payments to victims shall be made by the clerk of court at least quarterly. Payments by a clerk of court shall be made no later than the last business day of the quarter, but may be made more often at the discretion of the clerk of court. The clerk of court receiving final payment from an offender, shall notify all victims that full restitution has been made, and a copy of the notice shall be sent

to the sentencing court. Each ~~agent, agency, or judicial district department of correctional services office or individual charged with~~ supervising an offender who is required to perform community service as full or partial restitution shall keep records to assure compliance with the portions of the plan of restitution and restitution plan of payment relating to community service and, when the offender has complied fully with the community service requirement, notify the sentencing court.

Approved May 5, 1983

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**CHAPTER 57**  
**JUDICIAL REVIEW OF NO-PROBABLE-CAUSE DECISIONS**  
*S.F. 304*

**AN ACT** relating to the time limit for petitioning for judicial review of a no-probable-cause decision of the Iowa civil rights commission.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 601A.17, subsection 1, Code 1983, is amended by adding the following new unnumbered paragraph:

**NEW UNNUMBERED PARAGRAPH.** Notwithstanding the time limit provided in section 17A.19, subsection 3, a petition for judicial review of no-probable-cause decisions and other final agency actions which are not of general applicability must be filed within thirty days of the issuance of the final agency action.

Approved May 5, 1983